THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.2314 of 2007

Date: 08.02.2007

Between:
Talari Laxmaiah.

....Petitioner

And

The Sub-Registrar, Chevella, R.R.District.

....Respondent

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.2314 of 2007

O R D E R:

Petitioner states that himself and his family members are the absolute owners of an extent of Ac.5.13 guntas of land in Survey No.98 of Mokila Revenue Village and Gram Panchayat, Shankarpalli Mandal, Ranga Reddy District. It is stated that they executed an agreement of sale-cum-General Power of Attorney on 29.01.2007 in favour of three persons and approached the respondent for registration of the same. The grievance of the petitioner is that the respondent is not accepting the document for registration, on the ground that the Government issued a notification under Section 22-A of the Registration Act, 1908 (for short 'the Act'), in respect of the land in the said Survey Number. This writ petition is filed seeking appropriate directions to the respondent, in this regard.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

Section 22-A of the Act empowered the Government to issue notifications almost preventing the registration of documents in respect of the lands to be mentioned therein. Such a power was held to be *ultra vires* and the provision was struck down by the Hon'ble Supreme Court in ***State of Rajasthan v. Basanth Nahata***[1]**.**

Once the sole basis for the respondent to refuse registration had disappeared, he is under obligation to receive the documents and consider the same, in accordance with the provisions of the Indian Stamp Act and the Registration Act.

Hence, the Writ Petition is disposed of, directing the respondent to receive and process the document presented by the petitioner and take necessary steps, in accordance with the provisions of the Indian Stamp Act and the Registration Act, within one (1) week from the date of receipt of a copy of this order. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

Date: 08.02.2007

Note: Issue C.C. in one week.

(B/o)

JSU

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[1] AIR 2005 SC 3401 = (2005) 12 SCC 77